



BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 170828822-70999-04]

RIN 0648-XG739

Fisheries of the Northeastern United States; Summer Flounder Fishery; Retroactive Quota Transfer

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS announces a retroactive commercial summer flounder quota transfer for the 2018 fishing year. The State of North Carolina is transferring quota to the Commonwealth of Virginia. This quota adjustment is necessary to comply with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan quota transfer provisions. This announcement informs the public of the revised 2018 commercial quotas for North Carolina and Virginia.

DATES: Effective [*insert date of filing for public inspection with the Office of the Federal Register*], through December 31, 2019.

FOR FURTHER INFORMATION CONTACT: Cynthia Ferrio, Fishery Management Specialist, (978) 281-9180.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder

fishery are found in 50 CFR 648.100 through 648.110. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.102, and the initial 2018 allocations were published on December 22, 2017 (82 FR 60682), and corrected January 30, 2018 (83 FR 4165).

The final rule implementing Amendment 5 to the Summer Flounder Fishery Management Plan, as published in the **Federal Register** on December 17, 1993 (58 FR 65936), provided a mechanism for transferring summer flounder commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider the criteria in § 648.102(c)(2)(i)(A) through (C) in the evaluation of requests for quota transfers or combinations.

North Carolina is transferring 5,000 lb (2,268 kg) of 2018 summer flounder commercial quota to Virginia through mutual agreement of the states. This transfer was requested to repay landings made by a North Carolina-permitted vessel in Virginia under a safe harbor agreement. Based on the initial quotas published in the 2018 Summer Flounder, Scup, and Black Sea Bass Specifications and subsequent adjustments and transfers, the revised summer flounder quotas for calendar year 2018 are now: North Carolina, 1,747,145 lb (792,492 kg); and Virginia, 1,356,972 lb (615,512 kg).

The 2018 fishing year ended December 31, 2018. The revised 2018 quotas will be

used by NMFS in the ongoing quota accounting that is finalized in late 2019. These transfers were requested as a result of unforeseeable late-season events. Specifically, a landing event where a vessel were granted safe harbor too late in the year to publish notice in 2018.

Classification

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 4, 2019.

Karen H. Abrams,
Acting Director,
Office of Sustainable Fisheries,
National Marine Fisheries Service.

[FR Doc. 2019-01515 Filed: 2/6/2019 8:45 am; Publication Date: 2/7/2019]